IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1412 OF 2005

M/s. Phoenix Real Estate
through its Managing Partner
Mr. Jeremias D'souza .. Petitioners

Vs.

1. The Commissioner of Police,
Gr. Mumbai and anr. .. Respondents

Ms. Archana Khan for Petitioners.
Mr. A.M. Shringarpure, APP for Respondents-State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : August 23, 2005.

P.C.:

1. Heard the learned APP and perused the affidavit dated 22/8/2005 filed by Suresh Walishetty, Assistant Commissioner of Police attached to D-1 West, Detection Crime Branch, Mumbai.

2. This petition is filed seeking direction against the respondents to register the complaint lodged by the petitioners, inter alia, for offences under Sections 408, 409, 420, 441, 445, 467, 468, 471 and 120-B of I.P.C. On behalf of the petitioners it is stated that the complaint was lodged at Bandra West

Police Station who recorded the statements of the complainant, however, offence was not registered. It is stated that earlier complaints were also lodged to the Commissioner of Police and Joint Commissioner of Police with regard to the trespass committed in the premises of the petitioners and, therefore, the present petition is filed.

3. After filing of the petition, as per the reply affidavit filed by the ACP, the Joint Commissioner of Police had directed ACP Walishetty to make inquiry in the matter. The learned APP states that though ACP had written to the Bandra Police Station to hand over the statements of the complainant and witnesses recorded by that police station, those statements were not handed over to the ACP. He has independently recorded the statements of various witnesses, which is mentioned in the above affidavit. The grievance is made on behalf of the petitioners that since the Bandra West Police Station did not register the complaint nor made any investigation in the matter, the complaint should be transferred to the DCB CID Bandra, Unit No.9, Mumbai. The learned APP also states that this court may issue direction to the

Bandra West Police Station to transfer the complaint and or statements recorded by that police station to DCB CID Bandra, Unit No.9, Mumbai so that necessary action will be taken by the said Crime Branch to register the offence and investigate the case.

4. In the result, the Bandra West Police Station, Mumbai is directed to hand over the complaint of the petitioners and the statements recorded on the complaint of the petitioners to DCB CID, Bandra, Unit No.9, Mumbai who will take necessary action on the said complaint in accordance with law. Petition shall stand disposed off accordingly.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)